

Rule R277-733. Adult Education Programs.

As in effect on February 1, 2008

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R277-733-1. Definitions.

A. "Adult" means a person 18 years of age or over.

B. "Adult education" means organized educational programs, other than regular full-time and summer education and secondary schools/programs/courses, provided by school districts or nonprofit organizations affording opportunities for out-of-school youth and adults who have or have not graduated from high school, to improve their literacy levels and to further their high school level education.

C. "Adult Basic Education (ABE)" means a program of instruction below the 9.0 academic grade level for adults who lack competency in reading, writing, speaking, problem solving or computation at a level that substantially impairs their ability to find or retain adequate employment that will allow them to become employable, contributing members of society and preparing them for advanced education and training. The instruction is designed to help adults by:

- (1) increasing their independence;
- (2) improving their ability to benefit from occupational training;
- (3) increasing opportunities for more productive and profitable employment; and
- (4) making them better able to meet adult responsibilities.

D. "Adult Education and Family Literacy Act (AEFLA)" means Title II of the Workforce Investment Act (WIA) of 1998 which provides the principle source of federal support for adult basic and literacy education programs for adults who lack basic skills, an adult education secondary school diploma, or proficiency in English.

E. "Adult High School Completion (AHSC)" means a program of academic instruction at the 9.0 grade level or above in Board-approved subjects for eligible adult education students who are seeking:

- (1) an adult education secondary education diploma from an adult education program; or
- (2) a certificate of GED.

F. "Board" means the Utah State Board of Education.

G. "Certificate of GED" means a certificate issued by the USOE to an individual who has successfully passed all five subject areas of the GED based on Utah passing standards; measuring the major and lasting outcomes and concepts associated with a traditional four-year high school education.

H. "Community-Based Organization (CBO)" means a nonprofit organization:

- (1) eligible for and accepting federal AEFLA funds; and
- (2) for the sole purpose of providing adult education services to qualified adult education learners.

(3) All rules and laws that apply to schools/school districts shall also apply to CBOs that receive adult education funding.

(4) CBOs:

- (a) apply to the USOE;
- (b) receive adult education funding through a competitive process; and
- (c) receive USOE funding on a reimbursement basis only.

I. "Consumable items" means student workbooks, student packets, computer disks, pencils, papers, notebooks, and other similar personal items for which a student retains ownership during the course of study.

J. "Desk monitoring" means the review of UTopia data to ensure program integrity.

K. "Eligible adult education student" means a person making his primary and permanent home in Utah, and:

- (1) is 17 years of age or older, and whose high school class has graduated; or
- (2) is under 18 years of age and is married; or
- (3) has been adjudicated as an adult; or
- (4) is an out-of-school youth 16 years of age or older who has not graduated from high school.

L. "Enrollee" means an adult student who has 12 or more contact hours in an adult education program during a fiscal/program year, has completed an intake, academic assessment, established Entering Functioning Level, and who has an adult education Student Education Occupation Plan (SEOP).

M. "Fee" means any charge, deposit, rental, or other mandatory payment, however designated, whether in the form of money or goods. Admission fees, transportation charges, and similar payments to third parties are fees if the charges are made in connection with an activity or function sponsored by or through an adult education program. All fees are subject to approval by the local school board of education or local board of trustees.

N. "General Educational Development (GED)" means a program intended to provide instruction in five specific subject areas which may lead to a certificate of GED.

O. "Latest official census data" means the most current statistical information available used to determine the number of adults who need adult education services, and determined by:

- (1) individuals 16 years of age and older; or
- (2) individuals 16 years of age and older whose primary language is other than English; or
- (3) individuals 16 years of age and older without a high school diploma - ungraduated adults.

P. "Measurable outcomes" means indicators of student achievement in adult education programs resulting in state funding. These outcomes are described in R277-733-9.

Q. "Other eligible adult education student" means a person 16 to 18 years of age whose high school class has not graduated and is counted in the regular school program. The funds generated, WPU or collected fees or both, are credited to the adult education program for attendance in an adult education program.

R. "Out-of-school youth" means a student 16 years of age or older who has not graduated from high school and is no longer enrolled in a K-12 program of instruction.

S. "Participant" means an adult education student who generates less than twelve contact hours in a fiscal/program year and does not meet the qualifications of an adult education enrollee.

T. "Tuition" means the base cost of an adult education program providing services to the adult education student.

U. "USOE" means the Utah State Office of Education.

V. "Waiver release form" means a form signed at least annually by an adult education student allowing for release of the student's personal data and student education occupation plan, including social security number and GED scores, for data matching purposes with agencies such as the Department of Workforce Services, higher education, Utah State Office of Rehabilitation and GED Scoring Services. Signed waiver release allows a student's education records to be shared with other adult education programs or interested agencies for the purpose of skill development, job training or career planning, or other purposes.

R277-733-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which gives general control and supervision of the public school system to the Board, Section 53A-15-401 which places the general control and supervision of adult education under the Board, Section 53A-1-402(1) which allows the Board to adopt minimum standards for programs and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to describe curriculum, program standards, allocation formulas, and operation procedures for the adult education program.

R277-733-3. Federal Adult Education.

The Board adopts the Adult Education and Family Literacy Act, Title II of the Workforce Investment Act (WIA), Public Law 105-220, 20 U.S.C. 1201 et seq., hereby incorporated by reference, and the related current state plan required under that statute, as the standards and procedures governing the federally-funded portion of its adult education program, available from the USOE Adult Education Section.

R277-733-4. Program Standards.

A. Local Utah adult education programs shall comply with state and federal requirements and Board rules and follow procedures as defined in the Utah Adult Education Policy and Procedures Guide published, updated, and available from the USOE.

B. Local Utah adult education programs shall make reasonable efforts to inform prospective students within their geographic areas of the availability of the programs and provide enrollment information.

C. Adult education programs/courses may also be made available to Utah residents who are between the ages of 16 and 18, as determined necessary by local adult education programs.

D. Local adult education programs shall make reasonable efforts to schedule classes at local community sites and times that meet the needs of adult education students.

E. Each eligible adult education student shall have a written student educational/occupational plan (SEOP) defining the student's goal(s) based upon a complete academic assessment, prior academic achievement, work experience and an established Entering Functioning Level. Annually, the plan shall be reviewed by the student and a designated program official and maintained in the student's file along with a signed data matching/agency sharing waiver release form.

F. Only courses identified in R277-733-7 qualify for adult education funds.

G. Local adult education programs shall establish and maintain a local adult education advisory committee consisting of representation from the Department of Workforce Services, Vocational Office of Rehabilitation, higher education and other interested community members with the responsibility to advocate

for exemplary adult education programs through collaboration and partnerships with businesses and other community agencies.

H. The USOE shall evaluate local programs through tri-annual site monitoring visits, desk monitoring, and as needed, additional site visits or both, to assure compliance.

R277-733-5. Fiscal Procedures.

A. State funds appropriated for adult education are allocated in accordance with Section 53A-17a- 119.

B. No eligible school district shall receive less than its portion of a seven percent base amount of the state appropriation if:

(1) instructional services approved by the USOE have been provided to eligible adult students during the preceding fiscal year; or

(2) the school district is preparing to offer such services--such a preparation period may not exceed two years.

C. Lapsing and nonlapsing funds

(1) Funds appropriated for adult education programs shall be subject to Board accounting, auditing, and budgeting rules.

(2) State adult education funds which are allocated to school district adult education programs and are not expended in a fiscal year may be carried over to the next fiscal year with written approval by the USOE. These funds may be considered in determining the school district's allocation for the next fiscal year. Carried over funds shall be expended within the next fiscal year. If funds are not expended, they shall be recaptured by the USOE on February 1 of each program year, and reallocated to other school district adult education programs based on need and effort as determined by the Board consistent with Section 53A-17a-119(3).

D. The USOE shall develop uniform forms, deadlines, program reporting and accounting procedures, and guidelines to govern the state (legislative) and federal AEFLA adult education programs. The Utah Adult Education Policy and Procedures Guide, July, 2006 (updated annually) including forms, procedures and guidelines is available on the USOE adult education website.

R277-733-6. Adult Education Pupil Accounting.

A. A student who is at least 16 years of age but less than 19 years of age, who has not graduated from high school, who is a resident of a Utah school district, and who is enrolled in a K-12 program, may, with approval under the state administered Adult Education Program, also enroll in an adult education program. The regular state WPUs at the rate of 990 clock hours of membership per one weighted pupil unit per year, 1 FTE on a yearly basis, shall follow the student. The clock hours of students enrolled part-time shall be prorated within/by the school district.

B. A student 17 years of age or older, without a high school diploma but whose high school class has graduated, who is a Utah resident, and who intends to graduate from a K-12 high school, may enroll in the State Adult High School Completion Program. Student attendance up to 990 clock hours of membership is equivalent to 1 FTE per year.

(1) The clock hours of students enrolled part-time shall be prorated.

(2) As an alternative, equivalent weighted pupil units may be generated for competencies mastered on the basis of prior authorization of a school district plan by the USOE.

C. An out-of-school youth (minimum age of 16) who has not graduated from high school, may with parental/guardian written approval (if applicable) and school district administrative written approval, enroll in an adult education program:

(1) The WPU shall not be generated by the student's participation in an adult education program.

(2) This student shall be eligible for adult education state funding.

(3) This student may only receive an adult education diploma.

D. For purposes of funding the regular basic adult education program, a student can only be a pupil in average daily membership once on any day. If the student's day is part-time in the regular school program and part-time in the adult education program, the student's membership shall be reported on a prorated basis for each program. A student may not be funded for more than one regular WPU for any school year.

R277-733-7. Program, Curriculum, Outcomes and Student Mastery.

A. The Utah Adult Education Program shall offer courses consistent with the Core curriculum under R277-700.

B. The Core curriculum and teaching strategies may be modified or adjusted to meet the individual needs of the adult education student.

C. Written course descriptions for AHSC required and elective courses shall be developed by school district adult education programs for all classes taught, consistent with the Utah Core curriculum and Utah adult education curriculum standards, as provided by the USOE.

D. Written course descriptions for English for Speakers of Other Languages (ESOL) and ABE courses shall be developed cooperatively by school districts, CBOs and the USOE based on Utah Core curriculum standards, modified for adult learners.

E. Course descriptions shall contain adult education mastery criteria and shall stress mastery of adult life skill course material consistent with Core objective standards and the Core curriculum.

F. Course content mastery shall be stressed rather than completion of predetermined seat time in a classroom.

G. Adult high school completion education is determined by the following prerequisite courses:

(1) ESOL competency levels one through six;

(2) ABE competency levels one through four.

H. Beginning January 1, 2008, AHSC students shall satisfy federal AHSC Levels I and II competency requirements with a minimum of 24 credits under the direction of a Utah licensed teacher as provided below:

(1) Adult High School Core Courses, as offered consistent with Utah Core objectives:

(a) 24.0 units of credit required through satisfaction of a course of study by demonstrated course competency or school district approved competency examination in correlation with the student's SEOP career focus;

(b) awarded adult education credit options including continuous professional employment training required for a professional license; or

(c) documented achievement of a trade or skill, basic or advanced military training;

(d) apprenticeship, union or registered work credentials;

(e) successful completion of the GED exam; academic credit for successfully passing the GED exam may only be applied toward an adult education diploma;

(f) transcribed college or university courses as they align to the following Core instructional areas:

(i) Language Arts: 3.0;

(ii) mathematics: 2.0, individualized mathematics courses to meet the life needs of adult learners;

(iii) science: 2.0, from the four science areas of chemistry, biological science, earth science, or physics;

(iv) social studies: 2.50, 1.0 in United States history, .50 in United States government and civics, .50 in geography; and .50 in world civilizations;

(v) arts: 1.50;

(vi) healthy lifestyles: 2.0, individualized courses meeting the life needs of adult learners that include: .25 - 1.50 health education, .25 - 1.50 individualized fitness for life courses;

(vii) career and technical education (CTE): 1.00;

(viii) general financial literacy: .50;

(ix) education technology: .50 computer technology courses or successful completion of school district approved competency examination;

(x) electives: 9.0 units of credit.

I. Through December 31, 2007, adult education students may qualify for adult education diplomas from local programs by satisfying adult education graduation requirements provided in R277-733-7I or by satisfying the requirements including prerequisites, outlined in R277-733-7H(1) through (3).

(1) English for Speakers of Other Languages (ESOL) competency levels one through six.

(2) Adult Basic Education (ABE) competency levels one through four.

(3) Adult secondary education (ASE) shall satisfy ASE competency Levels I and II requirements with a minimum of 24 credits as provided below:

(a) Adult High School General Core Courses: 13.5 units of credit required:

(i) English: 3.0;

(ii) mathematics: 2.0, elementary algebra or above;

(iii) science: 2.0, with a maximum of one credit in at least two of the following areas: chemistry; biological science; earth science; physics;

(iv) social studies: 3.0, 1.0 in United States history or American government; .5 in geography; .5 in world studies; 1.0 in elective social studies;

(v) information technology: .5;

(vi) career and technical education: 1.0;

(vii) fine arts: 1.0;

(viii) healthy life styles: 1.0.

(b) The additional 10.5 required units of credit may be satisfied with elective courses.

J. Adult education students proposing to earn an adult education diploma between January 2, 2008 and June 2008 who, due to specific, compelling circumstances, including documentation of those circumstances, are not able to satisfy graduation requirements of R277-733-7H(1) through (3), may appeal directly to the USOE Adult Education Director for a review of the compelling circumstances and the students' credits. The USOE Adult Education Director shall have sole discretion to review the students' credits and circumstances and determine if a diploma shall be awarded only through June 30, 2008.

K. The USOE Adult Education Section and local education programs shall disseminate clear information regarding revised adult education graduation requirements to all adult education students enrolled in Utah adult education courses as of October 1, 2007.

L. Graduation requirements may be changed or modified, or both, for adult students with documented disabilities through Individual Education Plans (IEPs) from age 16 up until their 22nd birthday or an adult education SEOP, or both to meet unique educational needs.

M. A student's IEP or adult education SEOP shall document the nature and extent of modifications, substitutions, or exemptions made to accommodate the student's disability(ies).

N. Modified graduation requirements for individual students shall:

- (1) be consistent with the student's IEP or SEOP, or both;
- (2) be maintained in the student's files;
- (3) maintain the integrity and rigor expected for AHSC graduation.

O. School districts shall establish policies:

- (1) allowing or disallowing adult education students participation in graduation activities or ceremonies; and
- (2) allowing or disallowing adult education students from participating in the Utah Basic Skills Competency Test (UBSCT).

P. An adult education student may only receive an Adult Education Secondary diploma earned through a designated Utah adult education program.

Q. Adult education programs shall accept credits and grades awarded to students from other state recognized adult education programs, schools accredited by the Northwest Association of Accredited Schools or schools or programs approved by the Board without alteration.

R. Adult education programs may establish reasonable timelines and may require adequate and timely documentation of authenticity for credits and grades submitted from schools or private providers.

S. A school district/adult education program is the final decision-making authority for the awarding of credit and grades from non-accredited sources.

R277-733-8. Adult Education Programs--Tuition and Fees.

A. Any adult may enroll in an adult education class consistent with Section 53A-15-404.

B. Tuition and fees shall be charged for ABE, AHSC, or ESOL courses in an amount not to exceed \$100 annually per student based on the student's ability to pay as determined by federal free and reduced lunch guidelines, under the Richard B. Russell National School Lunch Act, 42 USC 1751, et seq. The appropriate student fees and tuition shall be determined by the local school board or CBO board of trustees.

C. Adults who are or may attend adult education programs shall be given adequate notice of program tuition and fees through public posting. Any charged tuition or fees shall be set and reviewed annually.

D. Adult education tuition and fees shall be waived or students shall be offered appropriate work in lieu of waivers for students who are younger than 18, qualify for fee waivers under R277-407, and their class has not graduated.

E. Tuition may be charged for courses that satisfy requirements outlined in R277-733-8B, when adequate state or local funds are not available.

F. Fees may be charged for consumable and nonconsumable items necessary for adult high school courses that satisfy requirements outlined in R277-733-8B, consistent with the definitions under R277-733-1E and R277-733-1I.

G. Fees and tuition charged and collected by adult education programs shall be reasonable and necessary as determined by the local boards of education or boards or trustees.

H. Collected fees and tuition shall be used specifically to provide additional adult education and literacy services that the program would otherwise be unable to provide.

I. The local program superintendent/chief executive officer and business administrator shall acknowledge by signature as part of the program's grant plan (state or federal, or both) submission and program assurances that all fees and tuition collected and submitted for accounting purposes are:

- (1) returned/delegated with the exception of indirect costs to the local adult education program;
- (2) used solely and specifically for adult education programming;
- (3) not withheld and maintained in a general maintenance and operation fund.

J. All collected fees and tuition generated from the previous fiscal year shall be spent in the adult education program in the ensuing program year.

K. Collected fees and tuition may not be counted toward meeting federal matching, cost sharing or maintenance of effort requirements related to the local program's award.

L. Annually, local programs shall report to the school district or community-based organization all fees and tuition collected from students associated with each funding source.

M. Fees and tuition collected from adult education students shall not be commingled or reported with community education funds or any other public education fund.

R277-733-9. Allocation of Adult Education Funds.

Adult education state funds shall be distributed to school districts offering adult education programs consistent with the following:

A. Base amount distributed equally to each participating school district with a Board-approved adult education plan and budget - 7 percent of appropriation.

B. Enrollees (not participants) as defined in R277-733-1L - 25 percent of appropriation.

C. Contact hours (instructional and non-instructional) for both enrollees and participants - 16 percent of appropriation.

D. Measurable outcomes, outlined below, based upon state funds, shall be distributed to school districts - 50 percent of appropriation as follows:

(1) number of enrollee adult education secondary diplomas awarded - 30 percent of the 50 percent available;

(2) number of enrollee certificates of GED awarded - 25 percent of the 50 percent available;

(3) number of enrollee level gains: ESOL competency levels 1-6, ABE competency levels 1-4, and AHSC competency levels 1-2 - 30 percent of the 50 percent available;

(4) number of enrollee and participant adult education completed secondary credits - 15 percent of the 50 percent available.

E. Supplemental support, to be distributed to school districts for special program needs or professional development, as determined by written request and USOE evaluation of need and approval - 2 percent or balance of appropriation, whichever is smaller.

(1) Any school district with pre-approved carryover adult education funds from the previous fiscal year is ineligible for supplemental funding.

(2) For the first quarter of the fiscal year (July through September) priority of supplemental funding shall be given to school districts whose initial adult education allocation is less than 1 percent of the state allotted total, as indicated on the state allocation table.

(3) Any balance of supplemental funds after the first quarter of the fiscal year may be applied for by all remaining eligible school districts.

F. Funds, state (flow through) or federal (reimbursement) or both, may be withheld for noncompliance with state policy and procedures and associated reporting timelines as defined by the USOE.

R277-733-10. Adult Education Records and Audits.

A. Official Records: To validate student outcomes, local programs shall maintain records for each program site in perpetuity which clearly and accurately show for each student:

(1) complete student intake(s);

(2) signed data matching/agency sharing waiver(s) of release as defined under R277-733-4E.

(3) copies of student assessments validating pre and post assessment outcomes, transcribed grade data including previous report cards, transcripts, work verification, military training, professional licenses, union or registered work credentials, GED certificates showing successful passing of all five areas of the GED exam.

B. Audits:

(1) To ensure valid and accurate student data, all programs accepting either state or federal adult education funds, or both, shall be entered and maintained in the Utah Online Performance Information for Adult Education (UTopia) data system.

(2) Annually, an independent auditor shall be retained by each school district and CBO to audit student accounting records to verify UTopia data entries.

(3) Reports of accuracy shall be completed and submitted to the school districts' boards of education, the CBOs boards' of trustees and the USOE.

(4) The USOE shall receive the final auditor report by September 15 annually.

(5) Independent audit reporting dates, forms, and procedures are available in the state of Utah Legal Compliance Audit Guide provided to the school districts and CBOs by the USOE in cooperation with the State Auditors's Office and published under the heading of APPC-5.

(6) USOE Adult Education Services program staff shall conduct tri-annual program reviews of each program to ensure accuracy of program data and program compliance. Desk monitoring shall be completed during years when tri-annual reviews are not performed. Additional informal monitoring or reviews or site visits may be conducted as necessary.

(7) The USOE shall review for cause school district or CBO records and practices for compliance with the law and this rule.

KEY

adult education

Date of Enactment or Last Substantive Amendment

December 26, 2007

Notice of Continuation

October 5, 2007

Authorizing, Implemented, or Interpreted Law

Art X Sec 3; 53A-15-401; 53A-1-402(1); 53A-1-401(3); 53A-17a-119; 53A-15-404

Rule converted into HTML by the Division of Administrative Rules.

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For questions about the *rulemaking process*, please contact the Division of Administrative (801-538-3764). *Please Note:* The Division of Administrative Rules is **not able** to answer questions about the content or application of these rules.
